THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO. 3135 and 3138 of 1998

DATE: 06-03-2007

Between :

K.China Nagi Reddy

… Petitioner

And

The Joint Collector,
Kurnool & another.

… Respondents

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NOs. 3135 and 3138 of 1998

COMMON ORDER:

These two writ petitions are directed against the orders passed by the Joint Collector, Kurnool, dated 25-12-1997 whereunder the assignments granted in favour of the petitioners herein in the year 1967 were cancelled.

A perusal of the impugned orders show that the orders of cancellation were passed on the ground that the petitioners are not landless poor and therefore they are not eligible for assignment.

Though various grounds have been raised on merits, the learned counsel for the petitioners primarily contended that the impugned orders were passed without giving a reasonable opportunity to the petitioners to put forth their version. It is the case of the petitioners that by the date of assignment in the year 1967, both the petitioners were land less poor and therefore, the finding recorded by the first respondent is erroneous and unsustainable.

As could be seen from the material on record whereas the petitioners alleged that no show cause notice was served on them, the respondents contended that in spite of due service of notice, the petitioners failed to submit their explanation and did not participate in the enquiry.

Be that as it may, since the fact remains that the impugned orders were passed without considering the version of the petitioners and particularly having regard to the fact that both the petitioners are claiming that they were landless poor at the time of granting of assignments in the year 1967, I am of the opinion that the matter

requires reconsideration.

Accordingly, the impugned orders are set aside and the writ petitions are disposed of granting liberty to the petitioners to submit their explanations to the first respondent within a period of six weeks from the date of receipt of a copy of this order. Thereafter, it is open to the first respondent to conduct an enquiry in accordance with law and pass appropriate orders afresh. Till such time, the possession of the petitioners in respect of the land in question shall not be disturbed. No costs.

_____

G. ROHINI, J

Dt. 06-03-2007

Note: Issue C.C. in one week

B/o

KLP